IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.12071 of 2006

Dated: September 14, 2006

Between:

P. Gangarajam, S/o. Istari, aged about 35 years,
Occ: Attender, A.P. Residential School (Boys),
Peddapur Camp, Koratla Mandal, Karimnagar
District, and others.

… Petitioner

And

Andhra Pradesh Residential Educational Institutions'
Society, represented by its Secretary, Gagan Vihar,
M.J. Road, Hyderabad – 500 001, and others.

… Respondents

Order:

The petitioners, three in number, seek directions, by way of Writ of Mandamus, to the first respondent-society to appoint them as Class-IV employees on regular basis.

2. The first respondent is a society running Residential Schools in the State of Andhra Pradesh. The petitioners herein were appointed in the first respondent society on contract basis during the academic year

2004-05 on a salary of Rs.2,500/- per month. While the first petitioner was appointed on 02-12-2004, petitioners 2 and 3 were appointed on 18-06-2005.

3. Heard learned counsel for the petitioners and the learned Standing Counsel appearing for the respondents.

4. It is submitted by the learned counsel for petitioners that petitioners were appointed after undergoing the process of selection and interview and as such they are entitled to be absorbed in regular vacancies.

5. However, it is to be seen, neither a notification was issued nor selection was made for appointment against regular sanctioned posts. It is not in dispute that the petitioners were appointed on contract basis on a fixed remuneration. Once the petitioners served for the contracted period, i.e. for the academic years 2004-05, 2005-06, they stand on similar footing as that of outsiders. Hence, the petitioners, as a matter of right, cannot seek absorption in regular vacancies.

6. During the course of arguments, it is brought to my notice that petitioners 2 and 3 were appointed on contract basis for the current academic year, i.e. 2006-07, also. So far as the first petitioner is concerned, it is stated that he was not appointed since he did not respond to the intimation of the respondents requiring his presence at the time of reopening of the school on 02-06-2006.

7. As much as petitioners 2 and 3 have already been appointed on contract basis, I dispose of the writ petition, with limited directions, permitting the first petitioner to make a representation to the respondents to consider his case for appointment on contract basis,

within a period of two weeks from today. On such representation being made, the respondents shall consider his case for appointment on contract basis for the current academic year on the same terms and conditions on which petitioners 2 and 3 were appointed. No order as to costs.

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JUSTICE R. SUBHASH REDDY.

September 14, 2006
MRR